



Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2016-024472

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For Approval

Action by/Deadline: 2016/11/23

MEMORANDUM TO THE DEPUTY MINISTER

**Letter to the Council of Canadian Academies to Initiate the Independent Reviews
on Medical Assistance in Dying – Lettre au Conseil des académies canadiennes
pour lancer les examens indépendants sur l'aide médicale à mourir**
(FOR SIGNATURE)

SUMMARY

- Former Bill C-14, *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*, requires the Ministers of Justice and Health to initiate independent reviews on three distinct issues of medical assistance in dying by December 14, 2016.
- Health Canada's Assistant Deputy Minister and officials met with the Council of Canadian Academies (CCA) on November 15, 2016. Health Canada is confident in the CCA's interest in, and their Board of Governors' approval of, undertaking the independent reviews.
- The CCA's Board of Governors will meet on December 1, 2016. In order for the Ministers of Justice and Health to announce by December 14, 2016 that the CCA has been selected to undertake the independent reviews, the attached letter (see Annex A) should be sent to the CCA as soon as possible, and in advance of the December 1, 2016 Board meeting, to seek their formal acceptance.
- Failing to initiate the reviews by December 14, 2016 will likely result in negative stakeholder reactions and media attention for the Government. If the attached letter (see Annex A) is not sent to the CCA in advance of the December 1, 2016 meeting, there will likely be no other opportunity to obtain the CCA's agreement to undertake the reviews before the December 14, 2016 deadline.
- In order to meet the statutory requirement of initiating the independent reviews before December 14, 2016, it is recommended that the attached letter (see Annex A) be signed and sent to the CCA as soon as possible, and in advance of the CCA Board of Governors' meeting on December 1, 2016.
- **YOUR SIGNATURE IS REQUIRED BY NOVEMBER 25, 2016.**

BACKGROUND

Section 9.1 of former Bill C-14, *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)* ("the Act") requires the Ministers of Justice and Health to initiate one or more independent reviews related to requests by mature minors for medical assistance in dying, advance requests, and requests where mental illness is the sole underlying medical condition by December 14, 2016. s.21(1)(a)
s.21(1)(b)

On November 15, 2016, Health Canada's Assistant Deputy Minister and officials met with the Council of Canadian Academies (CCA) to discuss the possibility of the CCA undertaking the independent reviews. Health Canada officials indicated a high degree of confidence that the CCA is interested in undertaking the work. Health and Justice officials are confident that the CCA has the required expertise and capacity to undertake the reviews. CCA has an existing contribution agreement with Innovation, Science and Economic Development Canada (ISED), but also undertakes assessments for Government departments that arise outside of the agreement with ISED. The work on the independent reviews would be outside the existing ISED agreement.

KEY CONSIDERATIONS / OPTIONS

The CCA's Board of Governors will meet on December 1, 2016. Given the CCA's usual process when Government departments wish to directly engage it for assessment work, it is unlikely that a formal agreement will be concluded before December 14, 2016.

The terms of a formal agreement (likely a contribution agreement, but remains to be determined) would be finalized following formal approval by the Board.

RESOURCE IMPLICATIONS

N/A for the Department of Justice as Health Canada will provide the funds for the work.

COMMUNICATION IMPLICATIONS

If the CCA Board of Governors approves the request in the letter, a joint news release from the Ministers of Health and Justice would be issued to announce the launch of the

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independent reviews. The release would be posted to news.gc.ca, linked on the Justice web site, and supported by social media messaging. Health Canada is leading on the communications products, which will also be reviewed and approved by Justice. Health has suggested a tentative announcement date of December 9. If the December 14, 2016 deadline were not met, responsive communications products would be required to address the missed deadline.

RECOMMENDATION

It is recommended that the attached letter be sent to the CCA in advance of its December 1, 2016 meeting. It is recommended that you indicate your concurrence by signing the attached letter.

NEXT STEPS

Following the CCA's Board of Governors' formal acceptance of the request at its December 1, 2016 meeting, a joint news release would be prepared to allow the Ministers of Justice and Health to announce that the CCA has been selected to undertake the independent reviews. The Departments of Justice and Health would then work to finalize a formal agreement with the CCA (likely a contribution agreement, but remains to be determined), which will outline specific terms of the work, for example the scope of the reviews and the timelines for production of the reports.

Attachment

Annex A – Letter to the CCA

Prepared by:

Caroline Quesnel, Counsel, Criminal Law Policy Sector, (957-4688)

Date: November 21, 2016

Reviewed by:

Joanne Klineberg, Senior counsel, Criminal Law Policy Sector, (957-0199)

Date: November 21, 2016

Approved by:

Carole Morency, Director General and Senior General Counsel,
Criminal Law Policy Sector, (941-4044)

Date: November 25/16

Approved by:

Donald K. Piragoff, Senior Assistant Deputy Minister,
Policy Sector, (957-4730)

Date: 25/11/16

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Government
of Canada

Gouvernement
du Canada

Our Reference #: 2016-024472

Dr. Eric Meslin
President and Chief Executive Officer
Council of Canadian Academies Board of Governors
180 Elgin Street, Suite 1401
Ottawa, ON K2P 2K3

Dear Dr. Meslin:

We are writing in follow up to conversations our departmental officials have had with you and your senior staff over the past few months with respect to the independent review of issues identified in the federal legislation on medical assistance in dying which came into force last June.

As you know, the Ministers of Health and Justice are obligated under this legislation to initiate reviews of requests by mature minors, advance requests, and requests where mental illness is the sole underlying medical condition, by December 14, 2016.

Given the sensitive nature of these issues, and indeed the subject of assisted dying generally, we wish to ensure that the process for conducting the studies is beyond reproach in terms of impartiality in the selection of individuals who will be involved in the process, and in the acquisition, analysis and synthesis of available evidence.

Over the summer we discussed with our respective Ministers general terms of reference for the studies and options for getting the work done. We concluded that for this particular project enlisting a reputable third party operating at arm's length from a government department would be the best approach.

We are familiar, of course, with the Canadian Council of Academies (CCA), and your organization seems like the ideal choice for this initiative. Your member academies and other organizations with whom you work would be an important source of expertise in this complex area. We are also aware of your own professional background in bioethics and your commitment to strengthening the outreach capacity of the CCA in assessment processes.

With that in mind, we wish to formally request approval of your Board of Governors to have the CCA conduct the three independent reviews on aspects of medical assistance in dying. As our staff have indicated to you, the projects must be completed in time for the Ministers of Health and Justice to table reports of the reviews in Parliament no later than December 14, 2018.

Canada

In anticipation of a favourable decision by your Board, we are asking our departmental staff to continue discussions with you on the terms of reference for the reviews and other aspects of the process which will ultimately be set out in an agreement between Health Canada (on behalf of Health Canada and the Department of Justice) and the CCA.

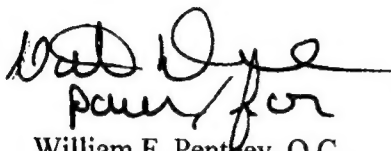
In the course of these discussions, we ask that you bear in mind that the objective of the reviews is to gather relevant information on the diverse perspectives and considerations associated with the three issues and to produce reports that will ultimately inform dialogue among Canadians and between Canadians and decision-makers. In keeping with the CCA's normal practice, the reports on the three reviews should not include recommendations. They should, however, explore the societal and practical implications and issues associated with permitting MAID in any one or all of the three areas, or conversely if decisions were taken not to do so.

We realize that constituting three panels will have significant costs, even with some shared elements and membership. While we are aware that our timelines will also have budgetary implications, we trust that due consideration will be given to some sharing in the costs of the assessments by our respective organizations.

We know that there has already been contact between communications staff on both the government and CCA sides; and again, in anticipation of a positive decision by your Board, we will continue working toward a public announcement by our Ministers on or in the days prior to December 14.

In closing, we would like to thank you for considering this important project. We look forward to a successful collaboration and a significant contribution by the CCA to the ongoing dialogue on this important social issue.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Bill Dye" or similar, with a stylized flourish underneath.

William F. Pentney, Q.C.
Deputy Minister of Justice and
Deputy Attorney General of Canada

Simon Kennedy
Deputy Minister
Health Canada



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For Approval

Action by/Deadline: 2016/11/25

MEMORANDUM TO THE DEPUTY MINISTER

**Addressing Immigration and Refugee Legal Aid Pressures in Ontario/ Répondre
aux pressions sur l'aide juridique en matière d'immigration et de statut de réfugié
en Ontario**
(FOR DECISION)

SUMMARY

- Legal Aid Ontario (LAO) will issue a news release on Monday, November 28 to announce the termination of most immigration and refugee (I&R) legal aid services as of January 16, 2017, if it is unable to obtain additional funding to cover the increase in I&R legal aid certificate costs in 2016-17.
- The termination of legal aid services would adversely affect both individual refugee claimants and the refugee determination system as a whole. It would result in reputational risk for the Government of Canada and the risk of expensive and inefficient court orders for State-Funded Counsel.
- [REDACTED]
- [REDACTED]
- DO YOU APPROVE?

BACKGROUND

The Legal Aid Program has provided I&R legal aid to six participating jurisdictions (British Columbia, Alberta, Manitoba, Ontario, Quebec, and Newfoundland and Labrador) at a reference level of \$11.5 million annually since 2001. The funds are distributed among the jurisdictions according to a demand-based formula.

s.14(a)

[REDACTED] In August 2016, Justice provided Ontario \$4.22 million from lapsing contribution funds to assist with the increase.

On October 26, 2016 Gary Anandasangaree, Member of Parliament for Scarborough-Rouge Park, sent a letter co-signed by 26 Ontario MPs both the Minister of Justice and the Minister of IRCC seeking an additional \$6M in financial assistance for Legal Aid Ontario.

Choose classification

CURRENT SITUATION

Legal Aid Ontario has indicated that with its current funding, it can only provide I&R services until January 2017. The organization will publicly give notice of a suspension of the provision of most I&R legal aid services on January 16, 2017, due to a remaining \$6 million funding shortfall. [REDACTED] s.14(a)

[REDACTED]
[REDACTED] In 2014, the Province committed an additional \$95.7 million over three years to LAO to increase legal aid eligibility thresholds by 6%. [REDACTED]

KEY CONSIDERATIONS

Legal Risk

Immigration is primarily a federal responsibility with Parliament establishing the laws related to immigration and refugee matters, and the federal government determining the volume of immigrants and refugees, and handling enforcement. The Supreme Court of Canada has held that the issue of legal representation of refugees falls within Parliament's jurisdiction to regulate immigration proceedings.

I&R legal aid funding ensures that Canada meet its Charter obligations to refugee claimants, as well as its international obligations pursuant to the 1951 Convention relating to the Status of Refugees. Funding also helps protect the federal government from Charter challenges and orders against the federal Crown for State Funded Counsel in I&R matters.

[REDACTED] s.23

FPT Considerations

[REDACTED] In response, Justice provide a supplementary contribution of \$530,000. [REDACTED]

Other jurisdictions either received additional funds in 2016-17 as a result of the I&R funding formula [REDACTED] or are able to manage any volume increases in other ways [REDACTED]

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Justice's LAO Cost and Volumetrics Analysis

Justice's analysis of LAO's costing confirms that the organization's I&R costs increased by \$7.3 million from 2015-16 to 2016-17 (Annex B). \$7.24 million of this amount is attributable to an increase in certificate costs. LAO issues legal aid certificates to members of the private bar to represent refugee claimants at legal aid tariffs.

Currently, more than two-thirds (67.7%) of LAO's certificates are issued for the preparation of a Basis of Claim (BOC) and related forms, and representation at a hearing with the Refugee Protection Division (RPD). These certificates cost an average of \$2,789 per case (Annex C). Costs per RPD certificate increased by 22% from 2011-12 to 2015-16 due to the greater complexity of adjudicative processes, inefficiencies and delays at the IRB and increases in lawyers' tariffs.

LAO manages RPD certificate costs by providing assistance for BOC preparation only to financially eligible refugee claimants, and screening BOCs for merit before authorising preparation for and representation at the RPD hearing. LAO also caps the number of hours lawyers can charge for each step in the process. It has recently implemented efficiencies by reviewing the financial eligibility of applicants who have been in Canada awaiting hearings for some time, eliminating process servers, and reducing research and translation costs.

LAO also issues certificates for other I&R matters, such as Refugee Appeal Division (RAD) hearings and Federal Court Judicial Reviews. The number of RAD certificates has increased from 149 in 2013-14 (when the RAD was first implemented) to a forecast of 980 in 2016-17. The number of certificates LAO has issued for other I&R matters (excluding RPD, RAD and Federal Court) has increased from 690 in 2011-12 to a forecast of 1670 in 2016-17.

LAO's other I&R program costs also increased between 2011-12 and 2015-16, before stabilizing in 2015-16. Other program costs include legal aid clinics (staffed by legal aid lawyers) and administrative costs. LAO will initiate a legal aid clinic program review in January 2017 to ensure that legal clinic costs (which largely drove the increase) do not increase for the foreseeable future.

IRCC's analysis of IRB volumes

IRCC's analysis of IRB volumes finds that overall, as of September 2016, actual volumes for intake, first-level hearings and appeals have not exceeded the volumes anticipated in the 2012 Refugee Reform (Annex D).

The analysis finds a medium level of pressure for preparation of BOC forms, but a low level of pressure for RPD and RAD hearings. The low pressure for hearings is attributable to inefficiencies and understaffing at the IRB. It should be noted however,

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that delayed or postponed IRB hearings may in fact be legal aid cost drivers, as counsel must still prepare and make themselves available for hearings that may later be postponed or cancelled.

IRCC has confirmed that it projects refugee claimant volumes will rise in future years.

Funding Ask - Discussion

The Government of Canada has made welcoming newcomers a priority, as evidenced by wording in the 2016 *Speech from the Throne*, the Minister of Immigration's mandate letter, the reinstatement of health benefits to refugee claimants and the welcome given to Syrian refugees.

[REDACTED]

s.21(1)(a)

[REDACTED]

s.14(a)

Justice's 2016-17 contribution for I&R legal aid in Ontario is approximately \$3.8 million more than its 2015-16 contribution (as part of the \$4.22 million top-up compensates for sunseting "vacation and cessation" funds, and part for a decrease in Ontario's portion of I&R funds due to the I&R funding formula). At the same time, LAO's increase in costs since 2015-16 is over \$7 million.

RESOURCE IMPLICATIONS

[REDACTED]

Contribution funds could be transferred to Ontario for I&R legal aid though the *Amending Agreements Respecting Adult and Youth Criminal Legal Aid, Immigration and Refugee Legal Aid and Court-Ordered Counsel in Federal Prosecutions*, under the Legal Aid Program's Terms and Conditions.

[REDACTED]

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COMMUNICATION IMPLICATIONS

A news release would be issued by the Department of Justice upon confirmation of the funding.

s.14(a)

s.21(1)(a)

RECOMMENDATION

NEXT STEPS

Attachments

Annex A – Letter from the DM of the Ontario Ministry of the Attorney-General

Annex B – Legal Aid Ontario I&R Expenditures

Annex C – Legal Aid Ontario Refugee and Immigration Certificate Pressures

Annex D – Refugee Legal Aid in Ontario: Analysis of Potential Pressures (IRCC)

Prepared by:

Hana Hruska, Director, Legal Aid Directorate, Policy Sector, (613-952-5759)

Date: November 25, 2016

Reviewed by:

EH Elizabeth Hendy, Director-General, Programs Branch, Policy Sector, (613-957-4344)

Date: November 25, 2016

Approved by:

DP Donald Piragoff, Senior Assistant Deputy Minister, Policy Sector, (613-957-4730)

Date: November 25, 2016

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ANNEX A

Ministry of the
Attorney General

Office of the
Deputy Attorney General

McMurtry-Scott Building
720 Bay Street
11th Floor
Toronto ON M7A 2S9

Tél: 416-326-2640

Ministère du
Procureur général

Cabinet du
Sous-procureur général

Édifice McMurtry-Scott
720, rue Bay
11^e étage
Toronto ON M7A 2S9

Tél.: 416-326-2640



November 22, 2016

Mr. William F. Pentney
Deputy Minister of Justice and
Deputy Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

Dear Mr. Pentney:

Thank you for our recent discussion on the financial pressures being experienced by Legal Aid Ontario (LAO) in its immigration & refugee program. I appreciate the efforts being made by federal officials to work with LAO to develop options for addressing this situation and the additional financial assistance that has been provided.

During our discussion you raised several questions regarding the data being provided by LAO and information provided by federal agencies. In response, I would like to clarify the following points:

1. The Ministry of the Attorney General confirms that the expenses outlined in LAO's responses to the Department of Justice's "Questionnaire" document are an accurate reflection of expenditure on immigration & refugee services provided by LAO.
2. The Ministry of the Attorney General is satisfied that the core majority of the rise in LAO's expenditures on immigration & refugee services are due to the increased demand on their services, as a result of changes to federal immigration policies.
3. Although, the Federal Government indicated that their border services agency was not experiencing increased numbers of refugee claimants, this is not the case with respect to the claims reported in Refugee and Protection Division (RPD). RPD figures for 2015-16 were 16,000 claims and for 2016-17 a forecast of 23,000. This is consistent with LAO increases in RPD certificates and with their forecasts. RPD hearings represent the majority of LAO's immigration & refugee certificate expenditures.
4. For more accurate verification, demand in all services areas needs to be considered in assessing LAO services including judicial reviews, appeals and

H&C (Humanitarian & Compassionate) grounds and not just border services and RPD.

5. A smaller portion of LAO's increased expenditures are a result of their expansion of legal eligibility criteria in 2015, e.g., those who would be forced to leave close family who live in Canada or are facing deportation to places where they are in danger, to challenge their deportation or, in certain situations, to help them apply to stay through a H&C application.

I trust that this information will assist federal officials in their analysis of this issue and in their ongoing discussions with LAO. Staff at MAG are also available to assist federal officials at any time to further discuss and clarify these issues.

Yours truly,

s.19(1)


Patrick Monahan
Deputy Attorney General

ANNEX B

LEGAL AID ONTARIO IMMIGRATION & REFUGEE LEGAL AID EXPENDITURES

A) Fiscal years	B) Number of Certificates	C) Certificate Expenditures*	E) Other Program Costs (staff, clinics, administration)	F) Total Program Costs (Certificates and Staff#)
2011-12	13,652	\$21.97M	\$8.39M	\$30.36M
2012-13	8,428	\$19.63M	\$7.98M	\$27.61M
2013-14	5,309	\$15.11M	\$8.71M	\$23.82M
2014-15	6,445	\$16.11M	\$10.62M	\$26.73M
2015-16	9,268	\$17.16M	\$13.77M	\$30.93M
2016-17 (Forecast)	11,736 (April- Sept actual: 5931)	\$24.40M	\$13.83M	\$38.23M

* 60% of expenditures are attributed to the fiscal year they are issued and 40% to the following fiscal year.

ANNEX C

Legal Aid Ontario
Refugee and Immigration Certificate Pressures
November 18, 2016

After significant decline in certificates in fiscal 2012-13 and 2013-14, the certificate trend reversed in 2014-15 slightly, and more substantially in 2015-16 and 2016-17. 2016-17 certificate costs are forecasted to hit **\$28.2M**. **Please bear in mind that certificate issuance and billings and payments are on different cycles. There is a cumulative effect over time between issuing certificates, and billing and payments.**

Certificate\$	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	YTD September 2016
Total Expenditures (\$ millions)	\$ 21.9	\$19.6	\$15.2	\$16.0	\$17.1	\$10.3

The chart below provides a snap shot of the type and number of certificates which are driving costs. Costs are primarily driven by demand for RPD hearing coverage, followed by a substantial increase in Other Immigration (mostly H & Cs) and Refugee Appeal Division. Certificates numbers are up substantially for 2016-17 and total refugee and immigration certificates are forecasted to reach **11,860**.

Certificate#	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	YTD September 2016
RPD hearing	10035	6300	4062	5068	6617	4019
Fed Ct. Jud review	2716	1599	519	516	726	464
Other immigration	690	372	493	495	1179	885
Fed Ct. App	211	157	86	103	107	72
Refugee Appeal Division	0	0	149	263	639	491
Total	13652	8428	5309	6445	9268	5931

In addition to an increase in certificates, the average case cost of proceedings has also increased. This is due to a number of factors including annual lawyer tariff increases, greater complexity of adjudicative processes, and inefficiencies such as hearing delays at the IRB.

Average Case Cost	2011-12	2012-13	2013-14	2014-15	2015-16
RPD	\$2,185	\$2,298	\$2,460	\$2,722	\$2,789
Fed Ct. Jud review & Appeals	\$1,159	\$1,339	\$1,808	\$2,803	\$3,186
Appeals to Immigration Appeal Division	\$1,654	\$1,910	\$1,857	\$2,047	\$2,263
Refugee Appeal Division	N/A	N/A	\$2,141	\$2,178	\$2,204
Other Immigration	\$930	\$926	\$961	\$1,132	\$1,265
Total	\$1,973	\$2,088	\$2,334	\$2,340	\$2,707

The most significant certificate costs are driven by demand within the GTA, followed by the South West Region. FY2015-16

Region	RPD hearing	Fed Ct. Jud Review	Fed Ct App	Refugee Appeal Division	Other immigration	Total Cost (\$ Millions)
GTA	5555	612	75	565	905	\$14.49
SW	654	67	12	46	129	\$1.58
CE	399	45	19	27	139	\$1.01
N	9	2	1	1	6	\$0.02
Total	6617	726	107	639	1179	17.11

ANNEX D

**REFUGEE LEGAL AID IN ONTARIO:
ANALYSIS OF POTENTIAL PRESSURES**

BACKGROUND:

- In planning for refugee reform (in 2012 and 2013), all provinces were engaged by IRCC, through the Department of Justice FPT forum and assumptions regarding the anticipated 22,500 claims (15,750 principal claim) annually were shared.
 - As of September 2016, actual volumes for intake, first-level hearings and appeals have not exceeded the expected volumes.
 - The proportion of principal claimants that file in Ontario has remained stable before and after the reforms – approximately 65%.

Impacts and Implications for Ontario (Fiscal Year 2016/17)

To analyze impacts of volume of claims in Ontario, it is important to look at the following 3 areas – where there could be implication for legal aid resources, in terms of: 1) support for preparation of the claims, 2) preparation for and support at the hearing, and 3) support to draft the paper-based appeal.

1) Support for Claim submission:

POTENTIAL PRESSURE: MEDIUM

- Based on the assumed volumes of refugee reform, 10,250 principal applicant claims are expected to be filed in Ontario, annually.
- In the first six months of 2016/17 (April 1 – September 30), approximately 4,500 principal applicant claims have been filed in Ontario.
- Claims have risen sharply in September and October, however the volume for this fiscal year is expected to remain close to anticipated reformed volumes.

2) Hearings at the Refugee Protection Division:

POTENTIAL PRESSURE: LOW

- Based on the assumed volumes of refugee reform, 9,450 principal applicant claims are expected to be heard in Ontario, annually.
- In the first six months of 2016/17, approximately 3,500 principal applicant RPD hearings have been held in Ontario.
- The IRB has confirmed that there are approximately 73 available decision makers in Ontario. This means approximately 6600 hearings and decisions in the province for this fiscal year.
- Given the IRB's fixed capacity, irrespective of increased volume of claims, the number of hearings taking place this fiscal year remains much below than the anticipated number of hearings under refugee reform.

ANNEX D

3) Appeals:

POTENTIAL PRESSURE: LOW

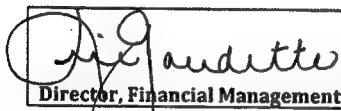
- Based on the assumptions of refugee reform, **4,100** appeals at the RAD are expected annually.
 - Data on the proportion of principal claimants that have their RAD appeal in Ontario is not available.
- In the first six months of 2016/17, approximately **1,732** principal applicants' appeals have been filed for Canada as a whole.
- Appeals remain well below the anticipated volume of appeals under refugee reform assumptions.

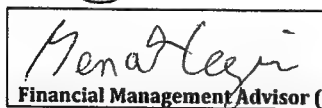
**TRAVEL, HOSPITALITY, CONFERENCE, EVENT EXPENDITURES (THCEE)
DEPUTY MINISTER (DM) APPROVAL**

Approval is required by DM	DATE: 2016-12-01
Travel, Hospitality, Conference, Event	DATE: 2016-12-13 to 2016-12-17
This THCEE was previously requested in a quarterly plan?	No
This THCEE was previously requested in another Sector/Portfolio?	N/A
Was it approved?	N/A
Other relevant information	Request for travel approval to Jamaica for International Legal Programs Section counsel Alnoor Meghani and Carolyn Elliott-Magwood from December 13-17, 2016
The Sector/Portfolio has the budget for the expense?	Yes
The expense is within the Sector / Portfolio's CAP?	Yes
The Sector/Portfolio Direct Report has been advised of their THC cap, total planned expenditures and actual expenditures to date. If current THC plans exceed the Sector / Portfolio CAP, steps will be taken to decrease THC plans / expenditures or cancel non-essential activities with the goal of remaining within the Sector / Portfolio CAP by year end.	Yes
Why is this request urgent and was not included in a quarterly THCEE Plan?	This request did not form part of the original THCEE plan for Q3, as Global Affairs Canada and Jamaican partners just informed Justice Canada of their intentions to hold the meeting that is the reason of the travel. <u>All the costs related to this trip will be recovered therefore no costs to Justice Canada.</u>

The FMA has reviewed the attached THCEE One-Off request and can attest that:

- The National Joint Council (NJC) Travel Directive has been applied.
- The TBS THCEE Directive has been respected.
- The Financial Signing Authority is appropriate.
- The necessary measures are in place to ensure that the THC CAP is respected.
- The information regarding this activity has been shared to ensure the proper level of approval is obtained.

 Director, Financial Management Services	Lise Gaudette Name	2016-11-30 Date
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 Financial Management Advisor (FMA)	Benoit Legris Name	2016-11-30 Date
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Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2016-024906

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For Approval

Action by/Deadline: 2016/12/01

MEMORANDUM TO THE DEPUTY MINISTER

Justice Sector Reform in Jamaica – Réforme du secteur de justice en Jamaïque (FOR APPROVAL)

SUMMARY

- Request for travel approval to Jamaica for International Legal Programs Section counsel Alnoor Meghani and Carolyn Elliott-Magwood from December 13-17, 2016.
- This request did not form part of the original THCEE Plan for Q3, as Global Affairs Canada and Jamaican partners just informed Justice Canada of their intentions to hold the meeting that is the reason for the travel.
- The THCEE is attached at Annex A.
- **DO YOU APPROVE** under the Expenditure Initiation Authority and Certified pursuant to Section 32 of the *Financial Administration Act*? If so, please also sign the attached THCEE form under Section 8 at Annex A.

BACKGROUND

Context

Our department is responsible for the implementation of the JUST (Justice Undertakings for Social Transformation) Program, a multi-year program of technical assistance to Jamaica funded by Global Affairs Canada (GAC). The program aims to help improve the organization, management and service delivery capacity of key justice sector institutions, such as the Ministry of Justice, the Office of the Director of Public Prosecutions, the Judiciary and Court Management Services. The project is managed by a Program Steering Committee (PSC), which meets to make key project decisions, including approving workplans and reports. The Program Steering Committee is co-chaired by GAC's Head of Aid in Jamaica and the Jamaican Permanent Secretary (Deputy Minister) of Justice. Membership includes the Chief Justice and the Director of Public Prosecutions, among others. Justice Canada was recently informed that partners are planning to schedule a meeting of the PSC before the Christmas holidays.

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Purpose of mission

GAC is requesting this meeting to allow the PSC to make a number of key strategic decisions regarding plans for the project going forward. Justice Canada's officials would attend the Program Steering Committee meeting to report on work done to date this fiscal year, as well as to participate in discussions regarding upcoming programming under the JUST Project, and how the decisions taken by the PSC may shape it.

KEY CONSIDERATIONS / OPTIONS

Mr. Meghani is taking over from Ms. Elliott-Magwood as ILPS' program director for the JUST program. Therefore, the attendance of both officials is necessary in light of this recent transition.

Virtual participation is not desirable, as the technology available in Jamaica is unreliable.

RESOURCE IMPLICATIONS

Expenditures related to this mission will be paid out of the funds received for this purpose from GAC.

The trip includes travel time.

All travel costs listed below are for travel, accommodation, meal allowances, local transportation and telecommunications.

Total cost of the mission is estimated at \$8,343.

COMMUNICATION IMPLICATIONS - N/A

RECOMMENDATION

It is recommended that you approve this mission by signing the approval block in the summary box and the attached THCEE in Annex A.


Attachment


Annex A – THCEE approval form

CCM#: 2016-024906

- 3 -

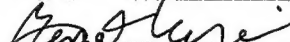
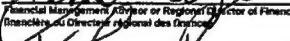
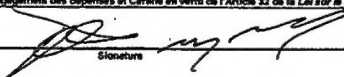
Protected B

Prepared by:
Carolyn Elliott-Magwood 
Counsel
International Legal Programs Section, Policy Sector
613-697-2611
Date: November 29, 2016

Approved by:
Donald K. Piragoff
Senior Assistant Deputy Minister, Policy Sector
613-957-4730
Date:  24/11/16

CCM#: 2016-024906

[illegible]

Section E: Approvals / Approbations		
Recommended by / Recommandé par :	 Financial Management Director or Regional Director of Finance / Conseiller en gestion Finances et Directeur régional des Finances	29-11-20 Date
Recommended by / Recommandé par :	 Director of Business Management / Directeur de la gestion des activités	29/11/20 Date
Expenditure-Station Authority and Certified pursuant to Section 52 of the Financial Administration Act / Pouvoir d'engagement des dépenses et Certifié en vertu de l'Article 52 de la Loi sur la gestion des finances publiques		
Name / Nom	 Signature	29/11/16 Initials Date
Name / Nom	Signature	Initials Date